

STATE OF IOWA  
BEFORE THE BOARD OF COSMETOLOGY ARTS & SCIENCES EXAMINERS

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IN THE MATTER OF:	)	
	)	NO: 01-030
HELEN'S NAILS	)	
License No. 002-009711,	)	<b>CONSENT AGREEMENT</b>
	)	<b>AND ORDER</b>
RESPONDENT	)	

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The Iowa Board of Cosmetology Arts and Sciences Examiners (Board) and Helen's Nails (Respondent), through its owners Danh and Hang Ho, enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code sections 17A.10(1) (2003) and 272C.3(4) (2003).

1. Respondent currently possesses license number 002-009711 to operate a nail technology salon in the state of Iowa.
2. The Board has jurisdiction over the licensee disciplinary action pending against the Respondent.
3. On March 4, 2003, the Board entered a Consent Order with the owners of Respondent salon for the issuance of a salon license placing the salon license on probation for a one-year period. See Exhibit A.
4. Respondent salon has not filed an answer to the Statement of Charges issued on May 5, 2004.
5. Respondent has a right to hearing on the charges but waives its right to hearing and all attendant rights by freely and voluntarily entering into this Agreement. The Agreement is the final agency order in the contested case.
6. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.
7. This Agreement shall be part of the permanent record of Respondent salon and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.
8. Any failure by Respondent salon to comply with the terms and conditions of this Agreement shall subject Respondent salon to further licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.
9. This Agreement is subject to approval by the Board:

- a. If the Board fails to approve this Agreement it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter;
- b. If the Board approves this Agreement, it shall fully dispose of all issues in this case.

10. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4) (2003).

11. This Agreement shall not be binding as to any new complaints received by the Board.

**IT IS THEREFORE ORDERED:**

**A. Civil Monetary Penalty**

Respondent agrees to pay to the Board a civil monetary penalty of \$200. Respondent shall remit full payment of the civil monetary penalty to the Board within 30 (thirty) days of the execution date of this Agreement.

**B. Future Compliance**

Respondent shall in the future adhere to all relevant statutes and administrative rules in the course of operating a nail technology salon.

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Board of Cosmetology Arts and Sciences and Respondent.

**This Consent Order and Agreement is approved by the Board on July 21, 2004.**